

CASE NO.: YOR020030362US1

Serial No.: 10/718,642

January 14, 2010

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PATENT

Filed: November 24, 2003

Remarks

Reconsideration of the above-captioned application is respectfully requested. Claims 1, 2, and 4-6 have been rejected under 35 U.S.C. §102 as being anticipated by Bogward, USPP 2004/0049743, and Claims 8-10, 12-14, and 16-19 have been rejected under 35 U.S.C. §103 as being unpatentable over Bogward in view of Wilson, USPN 6,985,929. Claim 20 has been rejected under 35 U.S.C. §103 as being unpatentable over Bogward in view of Wilson and Zak, USPP 2002/0004729, and Claim 21 has been rejected under 35 U.S.C. §103 as being unpatentable over Bogward in view of Wilson and Retter, USPN 5,825,362.

Bogward is not prior art to this application. Its publication date is after the present filing date. Bogward claims priority to an earlier-filed PCT application but as MPEP §2136.03(II)(A,B) clearly states:

"If the potential reference resulted from, or claimed the benefit of, an international application, the following must be determined:

(A) If the international application meets the following three conditions:

- (1) an international filing date on or after November 29, 2000;
- (2) designated the United States; and
- (3) published under PCT Article 21(2) *in English*...

As the enclosed page printed out from the WIPO website reveals, the Bogward PCT was published in German. As part (B) of the above-cited portion of the MPEP requires, under these circumstances the PCT filing date cannot be used; instead, the Bogward publication date in the U.S. in English must be used. Since that publication date deprives Bogward of prior art status against the instant application, the rejections are overcome.

With respect to independent Claim 8, Wilson was used in the rejection as a teaching of a map, which has been removed from Claim 8 herein, rendering Claim 8 further patentable.

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The Examiner is cordially invited to telephone the undersigned at (619) 338-8075 for any reason which would advance the instant application to allowance.

Respectfully submitted,

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1201-S1AM1

(WO/2001/073673) UNIVERSAL DIGITAL MOBILE DEVICE

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Search result: 1 of 1

(WO/2001/073673) UNIVERSAL DIGITAL MOBILE DEVICE

Biblio. Data Description Claims National Phase Notices Documents

Latest bibliographic data on file with the International Bureau

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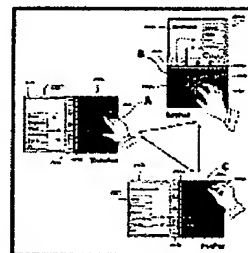
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Priority Data: 100 16 117.0 31.03.2000 DE
PCT/EP00/04735 24.05.2000 EPTitle: (EN) UNIVERSAL DIGITAL MOBILE DEVICE
(DE) UNIVERSELLES DIGITALES MOBILGERÄT

Abstract: (EN) Disclosed is a universal digital mobile device for executing programs, comprising a display device for the reproduction of textual and/or image data and an input device with a pressure or approach sensitive input surface. According to the execution of at least one program, the pressure or approach-sensitive input surface is provided with one or several functional areas.

(DE) Offenbart ist ein universelles digitales Mobilgerät zur Ausführung von Programmen, umfassend eine Anzeigeeinrichtung zur Darstellung von Text- und/oder Bilddaten und eine Eingabeeinrichtung mit einer druck- oder annäherungsempfindlichen Eingabefläche, wobei die druck- oder annäherungsempfindliche Eingabefläche in Abhängigkeit von der Ausführung von mindestens einem Programm einen Funktionsbereich oder mehrere Funktionsbereiche aufweist.



Designated States: AE, AL, AM, AT, AU, AZ, BA, BB, BG, BR, BY, CA, CH, CN, CU, CZ, DE, DK, EE, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MD, MG, MK, MN, MW, MX, NO, NZ, PL, PT, RO, RU, SD, SE, SG, SI, SK, SL, TJ, TM, TR, TT, UA, UG, US, UZ, VN, YU, ZA, ZW.
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